

WILLIAM B. SHUBRICK.

MAY 25, 1860.—Laid upon the table and ordered to be printed.

Mr. MORSE, from the Committee on Naval Affairs, made the following

REPORT.

The Committee on Naval Affairs, to whom was referred Senate bill 295, with the accompanying papers, for the relief of William B. Shubrick, make the following report:

It appears from an examination of this case that Captain Shubrick, while in command of the naval squadron of the United States in the Pacific, during the war with Mexico in 1847, had a secretary, a Mr. Henry La Reintrie, whose compensation as such, by the act of 1835 regulating the pay of the navy, was fixed at \$1,000; but that Captain Shubrick found Mr. La Reintrie's knowledge of Spanish and French very useful, and employed him to translate and interpret, for which he ordered Purser Speiden to pay Secretary La Reintrie the further sum of \$1,550. The purser did not pay this sum until a second time directed to do it, and upon a final settlement of the accounts the sum so paid was disallowed by the accounting officer of the treasury and charged to Captain Shubrick; and that it remains so charged up to this time. In asking to be relieved from the charge, Captain Shubrick recites the circumstances attending its payment, which was made out of a military fund, levied and collected by him during the war at the ports of Mazatlan, St. José, Guymas, and San Blas, and states that "his correspondence and personal interviews with the authorities and other persons was constant and extensive; that to enable him to conduct properly these correspondences and interviews it was necessary that he should avail himself of the services of some person skilled in the Spanish and French languages, and one on whose integrity he could implicitly rely; that the only person coming within this description and within his control was Mr. Henry La Reintrie, who was employed as his secretary; that it was no part of the duty of Mr. La Reintrie as secretary to translate and interpret, and besides the combined duties were more than one person could accomplish, in proof of which some of the duties of secretary were kindly and voluntarily performed by another person without compensation."

Your committee entirely dissent from this view of Captain Shubrick, as above expressed, as to what constituted the "duties" of his secretary,

and take this occasion to express their utter condemnation of a practice which Congress, by repeated enactments, has sought to check, of charging the government with extra charges for services when, as sometimes happens, the duties of two offices are temporarily performed by the same person. In whatever capacity any person is employed by the government, at a fixed salary, it is the duty of such employé to give all his time and abilities to the service of the government, and if, as may sometimes occur, extraordinary occasions shall call for the exercise of unusual exertions, Congress, either of its own view, or upon having its attention directed to such instances by one of the departments of the government, will always be ready to acknowledge and reward such services.

Captain Shubrick further says: "Your petitioner might have discharged Mr. La Reintrie from the books of the ship, and paid him from this fund any sum of money at his discretion, for the whole was under his control, but he had higher matters on his mind, and it did not occur to him that he was violating the law; when his attention was called to the law it was too late."

What is here said may be true, that Captain Shubrick might have paid his secretary, by an evasion of law, "any sum at his discretion, for the whole was under his control;" so, doubtless, he might have embezzled the whole property which fell into his hands as the agent of the government, but the idea that what was collected by the aid of men and ships of the United States under his command was "under his control" in any other manner than to do with it whatsoever he was directed to do as an officer of the navy of the United States is wholly erroneous. It seems that he did undertake, of his sole authority, and in violation of law, to control the disposition of the sum of \$1,550 of this fund, and that the department and the accounting officer of the treasury have constantly refused to recognize his right to do so. The first and highest duty of an officer of this government is obedience to its laws, and especially is this due on the part of those in the exercise of authority over subordinates; and this committee cannot sanction the plea of "higher matters" than this by giving their consent to the bill from the Senate.